

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9188

IN THE MATTER OF:

Served December 14, 2005

Application of AERO TRANSPORTATION,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2005-193

By application accepted for filing November 21, 2005, Aero Transportation, Inc., a Maryland entity, seeks a certificate of authority for irregular route operations between points in the Metropolitan District.

This is the second application filed by this applicant. Applicant applied for operating authority earlier this year, but the application was dismissed without prejudice for want of prosecution.¹

Applicant proposes commencing operations with one minibus. Applicant's proposed tariff contains hourly group charter rates.

Applicant's president, McKinly Williams, is also the president and owner of Nova Limousine Service, Inc., (Nova) WMATC Carrier No. 466.

Applications for certificates of authority are governed by Title II of the Compact, Article XI, Section 7. Applications for approval of common control are governed by Article XII, Section 3.

Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Article XII, Section 3(a)(iii), of the Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means. Approval may be granted if the Commission finds the acquisition is consistent with the public interest.² The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.³

¹ In re Aero Transportation, Inc., No. AP-05-133, Order No. 9073 (Oct. 21, 2005).

² Compact, tit. II, art. XII, § 3(c).

³ Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE ANN. § 9-1103.04 (2005)); In re Capital City Coach, Inc., No. AP-05-32, Order No. 8752 (June 1, 2005).

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than December 28, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than January 11, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is January 11, 2006, and that copies must be served on applicant's representative, Gina R. Green, 900 2nd Street, N.E., Washington, DC 20002.

FOR THE COMMISSION:

A handwritten signature in cursive script, reading "Jeffrey M. Lehmann".

Jeffrey M. Lehmann
Acting Executive Director